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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,897	09/26/2003	Takayuki Ogino	9333/355	8033
757	7590	08/12/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			NGUYEN, THU V	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 08/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,897	<b>Applicant(s)</b> OGINO ET AL.	
	<b>Examiner</b> Thu Nguyen	<b>Art Unit</b> 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-31 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 and 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 14-18 and 23-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The amendment filed on April 11, 2005 has been entered. By this amendment, claim 4 has been canceled, claims 23-31 have been added, claims 7-13, 19-22 have been withdrawn from consideration, and claims 1-3, 5-31 are now pending in the application.

#### ***Claim Objections***

1. Claims 6, 18, 23, and 28 are objected to because of the following informalities:

In claim 6, line 3; claim 18, line 3; claim 23, line 14; claim 28, line 12, the claimed "the other" should be corrected to "another" to prevent lack of antecedent in the claim.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsunori et al (JP 2002-229646) in view of McKenna (US 6,252,519).

As per claim 1, Katsunori teaches a method for vehicle to vehicle communication between a first vehicle and a second vehicle, the method comprises: providing an interrupt point (the intersection), providing a first vehicle M1 and a second vehicle M2 located behind the interruption point; providing a vehicle to vehicle communication apparatus 11 (para 0024) and

12 (para 0028) in the first and second vehicle; transmitting an interrupt request from the first vehicle to the second vehicle M2 (para 0029); and receiving and responding to the interrupt request (by waiting at the inlet position of the intersection) (abstract). Katsunori does not explicitly disclose forming a network incorporating the first vehicle and the second vehicle, and automatically flashes an external light on the second vehicle if the interrupt request is acknowledged. However, since Katsunori teaches the capability of forming communication between the first and the second vehicle (the communication between the first and second vehicle at the second frequency  $F_n$ ) (para 0028-0029) and since it is well known that a network is considered to be established when signals can be communicated between two devices, Katsunori obviously encompasses forming the network in order to enable communication between vehicles. Moreover, McKenna teaches flashing light 17 (fig.1) on the second vehicle if the interrupt request is acknowledged (col.4, lines 24-29), furthermore, since the light 17 (fig.1) can flash light so that other vehicle can perceived (col.4, lines 24-29), implementing the light 17 (fig.1) externally or internally requires only routine skill in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the flashing light 17 (fig.1) of McKenna to the second vehicle of Katsunori in order to inform another vehicle of the reception of the transmitted signals from the other vehicle.

As per claim 2, connecting communication apparatus to a navigation apparatus vis an interface would have been well known.

As per claim 14, refer to claim 1 above.

4. Claims 3, 5, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsunori et al (JP 2002-229646) in view of McKenna (US 6,252,519) and further in view of Graham et al (US 5,572,201).

As per claim 3, 5, 15, Graham teaches displaying a request and positional relationship between the vehicles (col.15, lines 42-64; col.14, lines 1-15). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include displaying interrupt request and positional relationship of Graham to the system of Katsunori in order to provide the driver information concerning the purpose of the communication and the relative position between vehicles.

As per claim 16-17, refer to claims 2, 5 above.

5. Claims 6, 18, 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsunori et al (JP 2002-229646) in view of McKenna (US 6,252,519) and further in view of Hermann et al (US 3,941,201).

As per claim 6, 18, Hermaann et al teaches an interrupt request to enter a narrow road from one entrance when a second vehicle is also going to enter the narrow road 6 (fig.1) from another entrance at different direction (fig.1; col.3, lines 58-68; col.4, lines 1-10), further, as shown in fig.1, the narrow road 6 (fig.1) is obviously lacks sufficient width to accommodate

different direction of traffic (that cause jam as taught by Hermaann in col.1, lines 18-19, lines 27-40). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend the functionality of the system of Katsunori to the system for controlling merging to a road taught by Hermann in order to properly controlling merging of vehicles and avoiding collision in merging vehicles to the same road.

As per claim 24, 29, refer to claims 1, 3 above.

6. Claims 23, 25, 28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsunori et al (JP 2002-229646) in view of Hermann et al (US 3,941,201).

As per claim 23, refer to claim 1 and 6 above.

As per claim 25, 28, 30 refer to claims 2, 14 and 6 above.

7. Claims 26-27, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsunori et al (JP 2002-229646) in view of Hermann et al (US 3,941,201) and further in view of Graham et al (US 5,572,201).

As per claim 26-27, 31, refer to claims 3 above.

***Response to Arguments***

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8. Applicant's arguments filed April 11, 2005 have been fully considered but they are not persuasive.

Applicant's argument on page 12, third paragraph is moot in view of the new ground of rejection.

In response to applicant's argument concerning claim 6 and 18, Hermann teaches two vehicles from different directions (different paths 3 and 4), the road 6 (fig.1) does not seem to be able to accommodate vehicles (this causes jam) as taught by Hermann in col.1, lines 52-54, lines 27-30), therefore, Hermann encompasses teaching vehicles approaching from different directions and the narrow road that cannot accommodate the two direction traffic.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 22, 2005



**THU V. NGUYEN**  
**PRIMARY EXAMINER**